

1124
A composition
C
44. ~~An impact resistance additive~~ according to claim 41, wherein said impact additive comprises from:

- a) 75 % to 85 % of said crosslinked elastomeric core,
- b) 25 % to 15 % of said shell grafted onto the said core.

B³
Contd
45. A composition according to claim 41, or characterized in that the alkyl methacrylate used to form the shell is methyl methacrylate.

46. A composition according to claim 41, wherein the covering of the crosslinked core has a molar amount of grafting agent of between 0.5 % and 1.5 %. --

REMARKS

By virtue of this Preliminary Amendment, there are now forty-six claims which are in three (3) groups:

The first group is directed to a polyvinyl chloride composition to which claims 1-27 and 37-40 are directed.

The second group is claims 28-34 directed to a thermoplastic polymer composition wherein the impact additive is the same as allowed claim 1 of Applicants' parent application.

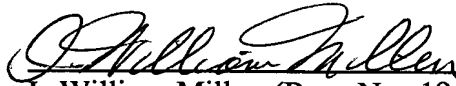
The third group constitutes claims 41-46, directed to a thermoplastic composition wherein the impact additive is the same as allowed claim 41 of Applicants' parent application.

Inasmuch as the second and third groups are based on impact additives which are allowed in the parent application, these groups should be allowed without any rejections predicated on 35 USC §§ 102 or 103.

As for the first group which is directed to a polyvinyl chloride composition, it is to be noted that the reference cited in Applicants' parent application (Aoyama et al.) USP 5,360,865, is directed to a polycarbonate composition. Inasmuch as polyvinyl chloride and a polycarbonate are distinctly different compositions, it is respectfully submitted that one of

ordinary skill in the art having knowledge of an impact additive useful in a polycarbonate composition would not find it obvious to employ the same impact additive in a polyvinyl chloride composition.

Respectfully submitted,



I. William Millen (Reg. No. 19,544)
Attorney for Applicant(s)

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
Arlington Courthouse Plaza I
2200 Clarendon Boulevard, Suite 1400
Arlington, VA 22201
(703) 812-5325
Internet Address: millen@mwzb.com

Filed: June 2, 1998

IWM(dmd):\\K:\\PAT\\atocm\\67\\D1\\PA.wpd

09083707.050298